

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA

vs.

CASE NO. 99CR00196-02(CCC)

IRVIN FIGUEROA-BENITEZ

**MOTION FOR A SHOW CAUSE HEARING
AND THE REQUEST
FOR THE ISSUANCE OF A SUMMONS**

**TO THE HONORABLE CARMEN CONSUELO CEREZO
U.S. DISTRICT JUDGE
DISTRICT OF PUERTO RICO**

COMES NOW, Miriam Figueroa, U.S. PROBATION OFFICER of this Court, presenting an official report on the conduct and attitude of releasee, Irvin Figueroa-Benitez, who on December 17, 2001, was sentenced to twenty-one (21) months of imprisonment as to counts 1 and 3, to be served concurrently with each other and four (4) years supervised release as to each count to be also served concurrently with each other. A special condition of drug testing, and substance abuse treatment, if warranted and a special monetary assessment of \$200 was also imposed. On June 12, 2003, offender was released from custody and his four year supervised release term began. On May 13, 2005, the Court ordered that offender's supervised release conditions be modified to include mental health services.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE
AS FOLLOWS:**

Since his release from custody, the offender has violated the following supervision conditions:

1. CONDITION NO. 2 - "YOU SHALL REPORT TO THE PROBATION OFFICER

AND SHALL SUBMIT A TRUTHFUL AND COMPLETE WRITTEN REPORT WITHIN THE FIRST FIVE DAYS OF EACH MONTH.”

The offender failed to submit his February 2007 monthly supervision report.

2. CONDITION NO. 7 - “YOU SHALL REFRAIN FROM EXCESSIVE USE OF ALCOHOL AND SHALL NOT PURCHASE, POSSESS, USE, DISTRIBUTE, OR ADMINISTER ANY CONTROLLED SUBSTANCE OR ANY PARAPHERNALIA RELATED TO ANY CONTROLLED SUBSTANCES, EXCEPT AS PRESCRIBED BY A PHYSICIAN.”

The offender tested positive to cocaine on February 17, 2005, January 19, 2006 and on January 10, 2007, while being a participant in one of our contracted drug treatment providers. Additionally, during the past year, that is from March 23, 2006 to the date of submission of this report, the offender has failed to provide surprise urine samples on 19 occasions.

3. SPECIAL CONDITION - “IF ANY DRUG TEST SAMPLES DETECT SUBSTANCE ABUSE, THE DEFENDANT SHALL PARTICIPATE IN A SUBSTANCE ABUSE PROGRAM ARRANGED AND APPROVED BY THE PROBATION UNTIL DULY DISCHARGED BY AUTHORIZED PROGRAM PERSONNEL WITH THE APPROVAL OF THE U.S. PROBATION OFFICER.”

The offender has been a participant of our out-patient substance abuse treatment providers since August 25, 2004 since his attendance has always been sporadic, thus, not fully complying with his condition. On August 2006, his individual counseling was reduced to once a month but he failed to report in September, November and December 2006. Since on January 10, 2007, offender tested positive to cocaine, his therapies were increased to once a week but he only attended his January 12, 2007 individual counseling session and has not reported since then.

WHEREFORE, I declare under a penalty of perjury that the above-mentioned is true and correct, and it is respectfully requested, unless ruled otherwise, that a summons be issued so that the offender may be brought before this Court to show cause why his supervision term should not be revoked. Thereupon, he be dealt with pursuant to law.

In San Juan, Puerto Rico, this 16th day of March 2007.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

s/Miriam Figueroa
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CERTIFICATE OF SERVICE

I HEREBY certify that on March 16, 2007, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants: Assistant U.S. Attorney Irene Feldman and Francisco Acevedo, Esq., Edificio Asociación de Maestros, Suite 603, 452 Ponce de León Avenue, Hato Rey, Puerto Rico 00918.

In San Juan, Puerto Rico, this 16th day of March 2007.

s/Miriam Figueroa
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